

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF CONNECTICUT**

MARK S. CIRIELLO,	:
Plaintiff,	:
	:
-vs-	: Civil No. 3:03cv485(PCD)
	:
U.S. SUPREME COURT,	:
Defendant.	:

ORDER DISMISSING COMPLAINT

Plaintiff was granted leave to proceed *in forma pauperis*. Construing plaintiff's complaint under the liberal standard afforded pro se submissions, *see Haines v. Kerner*, 404 U.S. 519, 520-21, 92 S. Ct. 594, 30 L. Ed. 2d 652 (1972), no cognizable claim against defendant can be identified and the complaint is dismissed *sua sponte*.

“A district court must dismiss an in forma pauperis action if the action is ‘frivolous or malicious.’ *See* 28 U.S.C. § 1915(e)(2)(B)(I). An action is ‘frivolous’ when either: (1) the factual contentions are clearly baseless, such as when allegations are the product of delusion or fantasy; or (2) the claim is ‘based on an indisputably meritless legal theory. . . . A claim is based on an ‘indisputably meritless legal theory’ when either the claim lacks an arguable basis in law . . . or a dispositive defense clearly exists on the face of the complaint.” *Livingston v. Adirondack Beverage Co.*, 141 F.3d 434, 437 (2d Cir. 1998) (citations omitted; internal quotation marks omitted).

Plaintiff's complaint is found to be frivolous because defendant, the United States Supreme Court, bears no apparent connection to a claim of insurance fraud allegedly perpetrated by Prudential Insurance Company. Contrary to plaintiff's understanding, the Supreme Court does not oversee the

conduct of state criminal proceedings, nor does it engage in factfinding on individual complaints. Its involvement in the judicial process in no way subjects it to liability for any wrong alleged by plaintiff.

SO ORDERED.

Dated at New Haven, Connecticut, April \_\_\_\_, 2003.

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Peter C. Dorsey  
United States District Judge